



U. S. Department of Justice

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August 20, 2008

Hon. Thomas J. McAvoy
Senior Judge, U.S. District Court, NDNY
Federal Building, 15 Henry Street
Binghamton, New York 13905

Re: United States v. Lewis Lee, [06-CR-154; (TJM)]

Dear Judge McAvoy:

This letter briefly addresses the sentencing guidelines 4B1.5(b) issue. We withdraw our request that the guidelines be re-calculated and the PSR amended. We have concluded that the Court and the parties are bound by the original PSR scoring in this particular case and the remand sentencing procedure.

At tomorrow's re-sentencing hearing we intend to call one witness to describe specific aspects and background of the victim's upbringing and life experiences that justify the vulnerable victim enhancement scoring. Additionally, the victim herself has notified the government that she wishes to make a victim impact statement in open court prior to imposition of the sentence.


Very truly yours,

GLENN T. SUDDABY
United States Attorney

BY: Miroslav Lovric
Assistant U.S. Attorney

CERTIFICATE OF SERVICE FOR ELECTRONIC CASE FILING SYSTEM

I hereby certify that on August 20, 2008, I electronically filed with the NDNY Clerk of the District Court using the CM/ECF system the above-referenced document(s) in connection with the above-referenced case. The CM/ECF system automatically sent electronic notifications of such filing to the attorneys of record in this case, as maintained by the District Court Clerk's Office, AND who are properly registered in the CM/ECF system for the NDNY as required pursuant to NDNY General Order #22. As for any attorney of record in this case who is not registered in the CM/ECF system for the NDNY, the government has caused to be mailed or faxed to that attorney either the actual CM/ECF electronic notification/e-mail as received from the CM/ECF system by the government and/or the actual documents being filed. Therefore, the non-registered attorney(s) will receive the same electronic ECF notice with the same information as will the attorney(s) who is/are registered in the CM/ECF system.



Miroslav Lovric
Assistant U.S. Attorney